

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA

CHRISTOPHER JUSTUS FRENCH, )  
Plaintiff, )  
vs. )  
OKLAHOMA COUNTY DETENTION )  
CENTER, )  
Defendant )  
No. CIV-19-32-C

## ORDER ADOPTING REPORT AND RECOMMENDATION

Plaintiff brought the present action pursuant to 42 U.S.C. § 1983, seeking recompense for alleged violations of his Constitutional rights while a pretrial detainee. Consistent with the provisions of 28 U.S.C. § 636(b)(1)(B), this action was referred to United States Magistrate Judge Gary M. Purcell. Judge Purcell entered a Report and Recommendation (“R&R”) on January 31, 2019. In the R&R Judge Purcell recommended the Complaint be dismissed without prejudice as Plaintiff had named an improper party as Defendant. In response to the R&R, Plaintiff has filed an Amended Complaint naming a new Defendant, as well as an Objection to the R&R.

The filing of the Amended Complaint nullifies the arguments raised in the Objection. Further, the Court finds that by filing the Amended Complaint, Plaintiff accepted the findings set forth in the R&R.

Accordingly, the Court adopts, in its entirety, the Report and Recommendation of the Magistrate Judge (Dkt. No. 9). However, as Plaintiff has already filed an Amended

Complaint (Dkt. No. 10), that document MOOTS Defendant's Motion to Dismiss (Dkt. No. 5). This matter is returned to Judge Purcell for further proceedings consistent with the original Order of Referral.

IT IS SO ORDERED this 14th day of February, 2019.



ROBIN J. CAUTHRON  
United States District Judge